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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,880	04/17/2004	Fuhwei Lwo	BEA920030033US1	8613
49474 7590 10/04/2007 LAW OFFICES OF MICHAEL DRYJA 1474 N COOPER RD #105-248 GILBERT, AZ 85233			EXAMINER HA, LEYNNA A	
			ART UNIT 2135	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,880

Applicant(s)

LWO, FUHWEI

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/17/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. *Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.*

Claims 1 and 8 recites a system comprising plurality of objects. The claim is directed to a program not recited in conjunction with a physical structure. The specification discloses object-oriented software environments encapsulate functionality and data within software data constructs referred to as objects pg.1, lines 8-9). Further, specification discloses the system is an object-oriented software environment, within which functionality and data are encapsulated within the objects (pg.7, lines 4-6). Thus, it appears the above claims is not embodied in a tangible system and is functional descriptive material.

Claim 11 recites a method that is directed to code or instructions that is not interrelated with a tangible media or computer. Thus, claim 11 is non-statutory subject matter.

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Claim 16 recites an article of manufacture. However, specification discloses the article of manufacture includes a computer-readable medium and means in the medium where the computer-readable medium may be a recordable data storage medium, a modulated carrier signal, or another type of medium. The means in the medium is for supporting a first and second object-oriented interface that includes a password argument to limit access to the objects (pg.4, lines 15-18). Therefore, the claimed an article of manufacture is of carrier signal per se, which is non-statutory.

MPEP: 2106.01 [R-5]

Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se, 33 I at 1360, 31 USPQ2d at 1759. ***When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.*** Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on computer readable medium that increases computer efficiency) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component, and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kishimoto, et al. (US 7,150,041).

As per claim 16:

Kishimoto discloses an article of manufacture comprising:

a computer-readable medium; and, (col.1, lines 16-25 and col.2, lines 4-23 and col.3, lines 51-66)

means in the medium for implementing a first object-oriented interface and a second object-oriented interface both defining a method (col.3, lines 5-28), the first object-oriented interface including a password argument to limit access thereto to inter-related objects, the second object-oriented interface lacking a password argument to limit access thereto. (col.2, lines 28-33 and col.3, line 66-col.4, line 1)

As per claim 18: See Kishimoto on col.2, lines 19-40; discussing the article of claim 16, wherein the means is further for returning the first and the second object-oriented interfaces in response to queries therefore.

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As per claim 19: See Kishimoto on col.3, lines 5-28; discussing the article of claim 16, wherein the second object-oriented interface corresponds to the first object-oriented interface.

As per claim 20: See Kishimoto on col.2, lines 18-35 and col.3, line 66-col.4, line 36; discussing the article of claim 16, wherein the second object-oriented interface is required by specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto, et al. (US 7,150,041), and further in view of Stoneking, et al. (US 5,982,390).

As per claim 1:

Kishimoto discloses a system comprising:

[a plurality of inter-related first objects that share a predetermined password; and,]

a plurality of first object-oriented interfaces defining methods supported by the inter-related first objects, the first object-oriented interfaces publicly made available by the inter-related first objects (col.3, lines 25-28) and queryable by second objects and the inter-related first objects to learn of the first object-oriented interfaces; (col.1, lines 16-25 and col.2, lines 4-23 and col.3, lines 51-66)

each first object-oriented interface including a password argument to limit access *[thereto to the inter-related first objects sharing the predetermined password]*. (col.2, lines 28-33 and col.3, line 66-col.4, line 1)

Although, Kishimoto discloses the object-oriented interface includes a password argument to limit access, but did not go into further details the plurality of inter-related first object that share a predetermined password.

Stoneking teaches a method and system for encapsulating the personality traits and behaviors of characters into digital objects where objects defined are referred as personality objects (col.43-52). The controller object authenticates the personality objects where the controller object helps supply personality objects with semantic and contextual information about the environment and other objects in the environment (col.5, lines 65-col.6, line 8). Stoneking discloses controller object generates a secret transaction session key, encrypts it and sends it to the personality object. The secret key, serves as a secret password shared only by the personality object and the controller object for the current interaction session where the key is saved by both

objects for later use in authenticating transactions and ensuring message integrity (col.11, lines 29-57).

Therefore, it would have been obvious for a person of ordinary skills in the art to combine Kishimoto with Stoneking to teach the plurality of inter-related first object that share a predetermined password because the objects uses the shared predetermined password in authenticating transactions and ensuring message integrity such that being unauthenticated limits access (Stoneking – col.11, lines 38-40 and 52-61).

As per claim 2: See Kishimoto on col.3, lines 25-28 and col.6, lines 19-31 and Stoneking on col.14, lines 3-14; discussing the system of claim 1, further comprising a plurality of second object-oriented interfaces defining methods supported by the inter-related first objects, the second object-oriented interfaces publicly made available by the inter-related first objects and queryable by the second objects and the inter-related first objects to learn of the second object-oriented interfaces.

As per claim 3: See Kishimoto on col.2, lines 20-24 and col.4, lines 14-16 and Stoneking on col.11, lines 58-62 and col.14, lines 2-9; discussing the system of claim 2, wherein the second object-oriented interfaces are required by a predetermined specification, and lack password arguments to limit access thereto, the methods defined by the plurality of second object-oriented interfaces returning a type of "not implemented" message in response to invocation thereof.

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As per claim 4: See Kishimoto col.2, lines 20-24 and col.4, lines 14-16 and Stoneking on col.10, lines 49-56 and col.14, lines 2-9; discussing the system of claim 3, wherein the second object-oriented interfaces correspond to the first object-oriented interfaces, such that each second object-oriented interface is a non-implemented and password-free version of one of the first object-oriented interfaces.

As per claim 5: See Kishimoto on col.1, lines 16-25 and col.2, lines 4-23 and col.3, lines 51-66; discussing the system of claim 1, further comprising an object manager to manage the plurality of inter-related first objects and the second objects, the object manager responsive to requests from the inter-related first objects and the second objects to invoke the methods defined by the first object-oriented interfaces, and responsive to queries from the inter-related first objects and the second objects about the first object-oriented interfaces.

As per claim 6: See Kishimoto on col.1, lines 15-22 and Stoneking on col.7, lines 1-4; discussing the system of claim 5, wherein the second objects at least partially represent one or more client applications running on the system.

As per claim 7: See Kishimoto on col.6, lines 19-29 and Stoneking on col.14, lines 2-22; discussing the system of claim 6, wherein each inter-related first object represents a proxy between the object manager and system resources and acts as a client when invoking those of the methods supported by other of

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the inter-related first objects.

As per claim 8:

Kishimoto discloses a system comprising:

[a plurality of inter-related first objects that share a predetermined password;]

a plurality of first object-oriented interfaces defining methods supported by the inter-related first objects, the first object-oriented interfaces publicly made available by the inter-related first objects (col.3, lines 5-28) and queryable by second objects and the inter-related first objects to learn of the first object-oriented interfaces (col.1, lines 16-25 and col.2, lines 4-16 and col.3, lines 51-66), each first object-oriented interface including a password argument to limit access thereto to the inter-related first objects; and, (col.2, lines 28-33 and col.3, line 66-col.4, line 1)

a plurality of second object-oriented interfaces defining methods supported by the inter-related first objects, the second object-oriented interfaces publicly made available by the inter-related first objects and queryable by the second objects and the inter-related first objects to learn of the second object-oriented interfaces (col.3, lines 25-28 and col.6, lines 19-31), wherein the second object-oriented interfaces are required by specification, and lack password arguments to limit access thereto (col.2, lines 18-35 and col.3, line 66-col.4, line 36), and wherein the methods defined by the plurality of second object-oriented interfaces *[return a type of "not implemented" message]*

in response to invocation thereof, and the second object-oriented interfaces corresponding to the first object-oriented interfaces, such that each second object-oriented interface *[is a non-implemented and password-free version]* of one of the first object-oriented interfaces. (col.2, lines 20-24 and col.4, lines 14-16)

Although, Kishimoto discloses the object-oriented interface includes a password argument to limit access, but did not go into further details the plurality of inter-related first object that share a predetermined password. Kishimoto discusses unauthenticated interfaces, which obviously suggests the interface is password-free version. However, Kishimoto did not clearly discuss not implemented message such that an object-oriented interface is a non-implemented and password-free version.

Stoneking teaches a method and system for encapsulating the personality traits and behaviors of characters into digital objects where objects defined are referred as personality objects (col.43-52). The controller object authenticates the personality objects where the controller object helps supply personality objects with semantic and contextual information about the environment and other objects in the environment (col.5, lines 65-col.6, line 8). Stoneking discloses controller object generates a secret transaction session key, encrypts it and sends it to the personality object. The secret key, serves as a secret password shared only by the personality object and the controller object for the current interaction session where the key is saved by both

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objects for later use in authenticating transactions and ensuring message integrity (col.11, lines 29-57).

Stoneking further discloses the object interface mark each other as unauthenticated if a key cannot be generated (col.10, lines 49-56 and col.14, lines 2-9). An object interface that is unauthenticated obviously suggests either insecurity or authentication is not necessary because there are no criteria or verification information (i.e. key, password) to authenticate its integrity. Hence, obviously suggest the particular object interface(s) is insecure and prompts limited or no access (Stoneking on col.11, lines 29-57 and Kishimoto on col.3, line 66 - col.4, line17).

Therefore, it would have been obvious for a person of ordinary skills in the art to combine Kishimoto with Stoneking to teach the plurality of inter-related first object that share a predetermined password because the object interfaces use the shared predetermined password in authenticating transactions and ensuring message integrity such that being unauthenticated limits access (Stoneking – col.11, lines 38-40 and 52-61). Further, it would have been obvious for a person of ordinary skills in the art to combine Kishimoto with Stoneking to teach to return a not implemented message and for the object interfaces to non-implemented and password-free version because this indicates the object interfaces does not have specific criteria or information to be authenticated against, thus, obviously suggest authentication is not necessary (Stoneking on col.11, lines 29-57).

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As per claim 9: See Kishimoto on col.1, lines 16-25 and col.2, lines 4-23 and col.3, lines 51-66; discussing the system of claim 8, further comprising an object manager to manage the plurality of inter-related first objects and the second objects, the object manager responsive to requests from the inter-related first objects and the second objects to invoke the methods defined by the first object-oriented interfaces, and responsive to queries from the inter-related first objects and the second objects to invoke the methods defined by the second object-oriented interfaces.

As per claim 10: See Kishimoto on col.2, lines 17-26; discussing the system of claim 9, further comprising a plurality of the second objects each second object at least partially representing a client application running on the system, wherein each inter-related first object represents a proxy between the object manager and system resources and acts as a client when invoking those of the methods supported by other of the inter-related first objects.

As per claim 11:

Kishimoto discloses a method comprising:

attempting to access a first object-oriented interface defining a method supported by an inter-related first object, by an inter-related second object (col.3, lines 5-28 and col.6, lines 19-31), the first object-oriented interface including a password argument to limit access thereto, *[the first and the second objects sharing a predetermined password]*, the first object-oriented interface having a corresponding second object-oriented interface defining a method

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supported by the first object, which is required by a predetermined specification and that lacks a password argument to limit access thereto; and, (col.2, lines 18-35 and col.3, line 66-col.4, line 36)

passing the predetermined password as the password argument of the first object-oriented interface by the second object (col.2, lines 4-16 and col.4, lines 45-61) such that the second object is able to invoke the method defined by the first object-oriented interface due to the predetermined password having been passed as the password argument of the first object-oriented interface. (col.3, lines 51-66 and col.5, lines 13-16)

Although, Kishimoto discloses the object-oriented interface includes a password argument to limit access, but did not go into further details the plurality of inter-related first object that share a predetermined password.

Stoneking teaches a method and system for encapsulating the personality traits and behaviors of characters into digital objects where objects defined are referred as personality objects (col.43-52). The controller object authenticates the personality objects where the controller object helps supply personality objects with semantic and contextual information about the environment and other objects in the environment (col.5, lines 65-col.6, line 8). Stoneking discloses controller object generates a secret transaction session key, encrypts it and sends it to the personality object. The secret key, serves as a secret password shared only by the personality object and the controller object for the current interaction session where the key is saved by both

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objects for later use in authenticating transactions and ensuring message integrity (col.11, lines 29-57).

Therefore, it would have been obvious for a person of ordinary skills in the art to combine Kishimoto with Stoneking to teach the plurality of inter-related first object that share a predetermined password because the objects uses the shared predetermined password in authenticating transactions and ensuring message integrity such that being unauthenticated limits access (Stoneking – col.11, lines 38-40 and 52-61).

As per claim 12: See Stoneking on col.10, lines 49-56 and col.14, lines 2-9 and Kishimoto on col.3, line 66 - col.4, line17; discussing the method of claim 11, further comprising attempting to access the first object-oriented interface by a third object not inter-related with the first and the second objects, the third object not privy to the predetermined password, such that the third object is unable to invoke the method defined by the first object-oriented interface.

As per claim 13: See Kishimoto on col.3, lines 51-66 and col.5, lines 13-16; discussing the method of claim 11, further comprising initially querying the first object to learn of the first object-oriented interface and the second object-oriented interface.

As per claim 14: See Stoneking on col.10, lines 49-56 and col.14, lines 2-9 and Kishimoto on col.3, line 66 - col.4, line17; discussing the method of claim 11, further comprising: accessing the second object-oriented interface; and, returning a type of "not implemented" message by the inter-related first object

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in response to access of the second object-oriented interface.

As per claim 15: See Kishimoto on col.2, lines 5-30 and Stoneking on col.7, lines 44-66; discussing the method of claim 11, wherein the second object attempts to access the first object-oriented interface defining the method supported by the first object by requesting an object manager to invoke the method, such that the object manager acts as a broker between the first and the second objects.

As per claim 17: is rejected in view of Kishimoto and Stoneking combination; discussing the article of claim 16, wherein the means is further for returning a type of "not implemented" message in response to invocation of the method of the second object-oriented interface.

Kishimoto did not clearly discuss not implemented message such that an object-oriented interface is a non-implemented and password-free version.

Stoneking further discloses the object interface mark each other as unauthenticated if a key cannot be generated (col.10, lines 49-56). An object interface that is unauthenticated obviously suggests authentication is not necessary because there are no criteria or verification information (i.e. key, password) to authenticate its integrity. Hence, obviously suggest the particular object interfaces() is insecure and prompts limited or no access (Stoneking on col.11, lines 29-57 and Kishimoto on col.3, line 66 - col.4, line17). Therefore, it would have been obvious for a person of ordinary skills in the art to combine Kishimoto with Stoneking to teach to return a not implemented message and

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for the object interfaces to non-implemented and password-free version because this indicates the object interfaces does not have specific criteria or information to be authenticated against, thus, obviously suggest authentication is not necessary.

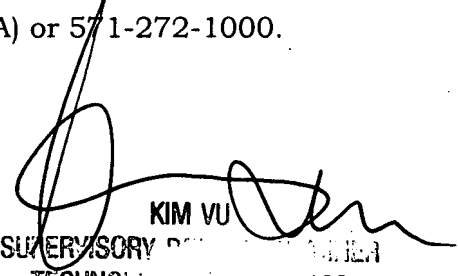
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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